UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,674	02/19/2002	Maurizio Pilu	30012964-2	8655

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EXAMINER
BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/079,674	PILU, MAURIZIO
	Examiner	Art Unit	
	Julie K. Brocketti	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 October 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-25 and 27-57_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-25 and 27-57_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

·10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) ☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____.	6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR

1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality

of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on October 20, 2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and
> distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11 and 21-25 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the remote party". There is insufficient

antecedent basis for this limitation in the claim. Claim 1 on which claim 11 is

dependent does not recite "a remote party" claim 8 does.

Claim 11 recites the limitation "the further domestic visual display".

There is insufficient antecedent basis for this limitation in the claim.

Claims 21 and 24 recite the limitation "the further domestic visual

display". There is insufficient antecedent basis for this limitation in the claims.

The previous recitation was to a "further domestic visual display unit".

Applicant is required to be consistent in his claim wording.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

Claims 1-25, 27-41, 43-51, 53-55 and 57 are rejected under 35

U.S.C. 103(a) as being unpatentable over Peppel, U.S. Patent No.

6,200,216 B1 in view of Morris, et al., U.S. Patent No. 6,097,389. Peppel

discloses a system and computer program for displaying photographic images.

The system includes a gaming console for playing a video game (See Peppel col.

5 line 45). A communications means is provided for connecting the gaming

console to a wide area network (See Peppel col. 7 lines 3-7). A domestic visual

display unit displays at least one digitized photographic image data to a user of

the gaming console (See Peppel col. 4 lines 61-64; Fig. 7). A permanent data

store is connected to the wide area network. The permanent data store stores

the digitized photographic image data and comprises transmission means for

transmitting part or all of the digitized photographic image data to the gaming

console (See Peppel col. 5 lines 55-57; col. 7 lines 4-6). A portable digital data

store resides in the gaming console (See Peppel col. 11 lines 14-15). A viewing

application program resides in the gaming console. The viewing application

program comprises a communications program for receiving the digitized

photographic image data from the permanent data store. The viewing

application program is arranged to configure the gaming console to display the

digitized photographic image data on the domestic visual display unit when the

digitized photographic image data has been received by the gaming console

(See Peppel col. 6 lines 64-67; col. 7 lines 1-9). The system includes a remote

gaming console, i.e. that of another player. A remote display is coupled to the

remote gaming console and a remote communications means is used for

connecting the remote gaming console to the wide area network (See Peppel

Figs. 2, 6; col. 7 lines 41-45). For example, two users may be at different

locations and each access the server from their individual computers;

therefore, one can be considered local and the other remote. The gaming

console and the remote gaming console communicate via the wide area network

such that the remote gaming console synchronizes and copies so that a user of

the gaming console controls in real time viewing of the digitized photographic

image data displayed on the remote display, and such that a second user views

the digitized photographic image data on a remote display (See Peppel col. 8

lines 48-57; col. 6 lines 56-57; col. 7 lines 8-26, 41-45; col. 8 lines 27-57)

[claims 1, 19, 21, 48]. For example, a user at a local console can create a card and/or upload it onto the server for display or for trading/selling etc for a limited time. A second user at a remote console can then view the card based on the first user uploading the card for display. Therefore, the second user can only display the card on their console if the first user has allowed access to the card by placing it in a trading area or an album, etc. and the card is able to be viewed at that limited time period, i.e. real time. The domestic visual display unit and the remote unit can comprise a television (See Peppel col. 5 line 49) [claims 2, 34, 35]. The viewing application program is arranged to enable multiple images of the digitized photographic image data to be displayed to the user simultaneously and a gaming controller of the gaming console is arranged to enable the user to navigate through the multiple images (See Peppel col. 7 lines 9-10; col. 12 lines 49-64) [claim 3]. The viewing application program comprises a plurality of user-selectable digital effects algorithms for altering the presentation of the digitized photographic image data on the domestic visual display unit (See Peppel col. 10 lines 24-31) [claim 5]. The portable digital data store comprises a plurality of user-selectable viewing application programs each program providing a different algorithm for displaying the digitized photographic image data in a different way on the domestic visual display unit (See Peppel col. 6 lines 16-18) [claims 6, 19]. For example, the user can select to play a game, a game movie, a collection album, a trading sequence etc; thereby, the display of these different activities are different.

Each program is arranged to provide a different photo enhancement of the

digitized image data (See Peppel col. 11 lines 22-41) [claims 7, 20]. The

communication program is arranged to transmit a user selection command to a

remote party (See Peppel col. 8 lines 53-55) [claim 8]. The gaming console

comprises means for receiving and digitizing a user's voice into voice data and

the communications program is arranged to transmit the voice data over the

wide area network to a remote party (See Peppel col. 4 lines 10-11) [claims 9,

36, 55]. The communications program is arranged to implement compression

of data to be transmitted and decompression of data received via the

communications means (See Peppel col. 1 lines 60-62) [claims 10, 16, 23]. The

received data is password protected and the applet is arranged to enable access

to part or all of the received data once the user has input a correct password

associated with the received data (See Peppel col. 10 lines 31-35) [claims 18,

25, 41]. The remote gaming console comprises a remote digital data store, a

remote viewing application program and a remote communications program for

receiving the digitized photographic image data from the permanent data store

via the wide area network. The remote viewing application program is arranged

to configure the remote gaming console to display the digitized photographic

image data on the remote display when the digitized photographic image data

has been received by the remote gaming console (See Peppel col. 7 lines 3-26).

For example, the remote gaming console can be identical to the local gaming

console in terms of its setup. The remote gaming console comprises means for

receiving and digitizing a third party's voice into voice data and the remote

communications program is arranged to transmit the voice data over the wide

area network to the gaming console (See Peppel col. 4 lines 10-11) [claim 15].

The remote communications program comprises an applet for enabling two-way

communications between another remote gaming console of a third party and

the gaming console of the user (See Peppel col. 8 lines 48-57) [claim 17]. The

gaming console can receive and digitize the second user's voice into voice data

and the communications program is arranged to transmit the voice data over

the wide area network to the first user (See Peppel col. 4 lines 10-11) [claims

22, 37, 45]. The transmitting can be over a telephone link or a modem (See

Peppel col. 2 line 8; col. 14 lines 28-30) [claims 38, 39, 46, 47]. The digitized

photographic image data is communicated to the remote gaming console via a

compact disk (See Peppel col. 11 lines 14-15) [claims 27, 40]. The digitized

photographic image data is communicated to the remote gaming console via

the wide area network (See Peppel col. 5 lines 55-57) [claims 28, 49]. Multiple

pre-captured photographic images are displayed on a local display using a local

video gaming console in accordance with instructions from a user of the local

video gaming console. The pre-captured photographic images are displayed on

a remote display using a remote local video gaming console in accordance with

instructions from the user of the local video gaming console. The local video

gaming console and the remote gaming console communicate with each other

such that the remote video gaming console synchronizes and copies in real

time the way in which a user of the local video gaming console controls display

of the pre-captured photographic image on the local display, and such that the

pre-captured photographic image is displayed in real time on the remote

display in accordance with control of the local display (See Peppel col. 7 lines 3-

26; col. 8 lines 27-57) [claims 29, 30, 43, 44, 53]. For example, a user at a

local console can create a card and/or upload it onto the server for display, i.e.

instructions, or for trading/selling etc. for a limited time period in real time. A

second user at a remote console can then view the card in real time based on

the first user uploading the card for display. Therefore, the second user can

only display the card on their console if the first user has allowed access to the

card by placing it in a trading area or an album, etc. The users can navigate

between the pre-captured photographic image and the second pre-captured

photographic image in accordance with the navigating instructions from the

user of the local video gaming console. The navigated to pre-captured photo-

graphic image is displayed on the remote display in accordance with the

navigating instructions (See Peppel col. 7 lines 3-26) [claims 31, 57]. Peppel

lacks in specifically disclosing that the remote gaming console synchronizes

and copies *display operations of the gaming console* so that a user of the

gaming console controls viewing of the digitized photographic image data

displayed on the remote display, and such that a second user views the

digitized photographic image data on the remote display *as the digitized*

photographic image data is being actively controlled by the user of the gaming

console. Morris teaches of a digital media system in which a second user can

view the digital photo album of a first user by their remote computer console

synchronizing and coping the display operations of the first user's computer

(See Morris col. 7 lines 30-39; col. 8 lines 50-54; col. 9 lines 42-45) [claims 1,

19, 21, 29, 43, 53]. For example, the remote computer synchronizes and

copies the exact format display for the album from the first user's computer.

Morris further teaches that the second user can view the digitized photographic

image data on the remote display as the digitized image data is being actively

controlled by the user of the local computer. Therefore, the first user has

current control of the local display (See Morris col. 7 lines 30-39; col. 8 lines

50-54; col. 9 lines 42-45) [claims 1, 19, 21, 29, 43, 53]. For example, the first

user creates an album and then "publishes" it on the network. The second

user can now view the album, however, the first user still has active control of

the album since they can decide to either edit the album or not allow it to be

published anymore. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to first copy the display operations of

the gaming console, i.e. the way in which the album is being

displayed/formatted. By synchronizing and copying the display operations,

both users can view the album as it was intended to be displayed.

Furthermore, it would have been obvious to one of ordinary skill in the art to

have the second user viewing the digitized photographic image data on the

remote display as the digitized photographic image data is actively controlled

by the user of the gaming console. By allowing a first user to control when an album or photograph or trading card is capable of being viewed, they can limit the exposure of the pictures or cards to certain users. Furthermore, the first user can edit the photograph or card and thereby modify the card/photograph to their specifications.

Peppel further discloses receiving a selection instruction from the user of the local video gaming console selecting one of the plurality of images on the local display. A corresponding pre-photographic image is displayed and the image is also displayed on the remote display in accordance with the selection instruction (See Peppel col. 7 lines 3-26) [claims 33, 51, 54]. For example, a player can be browsing through their cards and select one for trading, the card that is selected is then displayed in the card trading area and a remote user can view the card. Peppel lacks in specifically disclosing that the images are thumbnail images. Morris teaches of using thumbnail images (See Morris col. 2 lines 13-19) [claims 4, 32, 50, 54]. It would have been obvious to one of ordinary skill in the art to use thumbnail images. Thumbnail images are well known throughout the art and are used so that multiple pictures can be displayed on the same screen due to their small size. It would have been obvious in Peppel to use thumbnail images so that multiple pictures could fit on the same display screen so that the user can view them simultaneously.

Claims 11-13, 24, 42, 52 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peppel in view of Morris in further view of

Webb et al., U.S. Patent No. 6,325,756 B1. Peppel further discloses that the

communications program comprises an applet for enabling two-way

communications between the gaming console and the remote party (See Peppel

col. 8 lines 48-57) [claims 11, 24]. The applet is arranged to password protect

access to part or all of the data to be transmitted by the communications

means with the user inputting a password associated with the data to be

transmitted (See Peppel col. 7 lines 4-7; col. 10 lines 31-35) [claim 12]. The

received data is password protected and the applet is arranged to enable access

to part or all of the received data once the user has input a correct password

associated with the received data (See Peppel col. 10 lines 31-35) [claims 13].

Peppel lacks in disclosing displaying corresponding pointers on both displays.

Webb teaches of displaying a pointer on a local display using the local console

in accordance with instructions from the user at the local console. A

corresponding pointer is displayed on the remote display, wherein position of

the pointer and position of the corresponding pointer correspond to each other

in accordance with instructions from the user of the local console. Therefore,

the two-way communications comprises pointer commands from either a user

of the gaming console or the second user of the remote gaming console that are

concurrently displayed on the domestic display unit and the further domestic

visual display (See Webb col. 2 lines 13-22; col. 4 lines 52-67) [claims 11, 24,

42, 52, 56]. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to have a pointer displayed on the local gaming

console of Peppel correspond to a pointer at the remote gaming console. By having corresponding pointers, both users are able to understand what they are communication about. Consequently, in Peppel if corresponding pointers were used, the players would know exactly what card they were talking about with regards to card trades.

Response to Amendment

It has been noted that claims 1, 11, 19, 21, 24, 29, 43 and 53 have been amended.

Response to Arguments

Applicant's arguments filed October 20, 2005 have been fully considered but they are not persuasive.

Applicant argues that Peppel does not disclose, teach or suggest the feature "wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies display operations of the gaming console so that a user of the gaming console controls viewing of the digitized photographic image data displayed on the remote display, and such that a second user views the digitized photographic image data on the remote display as the digitized photographic image data is being actively controlled by the user of the gaming console." Applicant argues that Peppel instead discloses a system where a first

user posts an electronic trading card online and a second user who downloads

the electronic trading card for viewing on his or her computer without any

involvement of the first user. The Examiner disagrees. Peppel clearly teaches

of a gaming console and a remote gaming console communicating via the wide

area network. For example, players can post cards and messages to send and

communicate with other users. While Peppel does not clearly state that the

remote gaming console synchronizes and copies display operations of the

gaming console, Morris does teach this limitation. In Morris a user

creates/authors a photo album and publishes it on the Internet so that other

users can view the album. When it is published, a remote system synchronizes

and copies the display operations of the first user's system in order to keep the

photo album in the same display format as that created by the first user.

Morris also teaches that as a second user views the album, the photographic

image data is actively controlled by the first user. For example, while the

second user is viewing the album, the first user can be editing the album or

deciding not to publish the album anymore, thereby, retaining active control

over the image data. Therefore, giving the claims their broadest reasonable

interpretation the combination of Peppel and Morris meet Applicant's claim

limitations. The Examiner also notes that these limitations that Applicant is

arguing are functional language limitations/ "intended use" and while the

Examiner believes that Peppel and Morris meet these limitations it is noted

that for claims 1, 19, 21 and 43 (apparatus claims) the prior art only needs to

recite the structurally claim limitations and not the functional limitations.
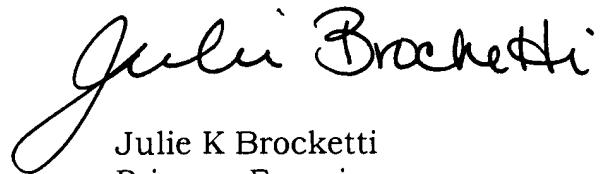
Please see MPEP 2114.

Applicant further argues that Peppel fails to teach or suggest employing

two-way communications, such that "the two-way communications comprising

pointer commands from either the first user or the second user that are

concurrently displayed on the domestic display unit and the further domestic

visual display". The Examiner agrees and notes that Webb has now been used

to teach this limitation.

Conclusion

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Julie K. Brocketti whose telephone

number is 571-272-4432. The examiner can normally be reached on M-Th

8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

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http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

Julie K Brocketti
Primary Examiner
Art Unit 3713